# IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF ALABAMA

ESTATE OF MARQUETTE		
CUMMINGS,	)	
Plaintiff,	)	
VS.	į	CASE NO. 2:15-CV-2274-JEO
CARTER DAVENPORT, et al.,	)	
Defendants.	)	

### **RULE 26(f) REPORT**

Pursuant to Rule 26(f), Fed. R. Civ. P., a meeting was held on July 17, 2019, and was attended by:

- (a) Bart Harmon on behalf of Defendants <u>Davenport</u>;
- (b) <u>Terrell McCants</u> on behalf of Plaintiff <u>Estate of Marquette Cummings</u>.

  Pursuant to Rule 26(f), Fed. R. Civ. P., the parties hereby submit this Rule 26(f) Report.
- 1. **Pre-Discovery Disclosures**. The parties request that they exchange the information required by Fed. R. Civ. P. 26(a)(1) that is not otherwise protected by law or applicable rules by <a href="August 15">August 15</a>, 2019.
  - 2. **Discovery Plan**. The parties jointly propose the following discovery plan:
    - (a) <u>Scope of Discovery</u>: The Plaintiff and the Defendants expect to conduct discovery on the facts and circumstances of this case, including but not limited to: all information pertaining to the <u>inmate on inmate</u> incident involving the Plaintiff, the medical care received by the Plaintiff following the <u>inmate on inmate</u> incident, the Plaintiff's claims, and the Defendants' defenses. The Plaintiffs and the Defendants intend to serve written discovery and intend to take depositions of the named parties as well as other persons having information about the Plaintiff's claims and the Defendants' defenses.
  - (b) Discovery shall commence on <u>September 1, 2019</u>. All discovery commenced in time to be completed by <u>June 1, 2020</u>.

- (c) Maximum of 20 interrogatories by each party to each party. Responses due 45 days after service.
- (d) Maximum of 10 requests for admission by each party to each party. Responses due 45 days after service.
- (e) Maximum of 20 requests for production of documents by each party to each party. Responses due 45 days after service.
- (f) Maximum of 10 depositions by Plaintiffs and 10 depositions by Defendants. Depositions shall be limited to seven hours unless extended by agreement of the parties or by Order of the Court.
- (g) Reports from retained experts under Rule 26(a)(2) due:
  - (i) From Plaintiffs: by May 1, 2020
  - (ii) From Defendants: by April 1, 2020
- (h) Supplementation under Fed. R. Civ. P. Rule 26(e) and Local Rule 26.1 due reasonably upon knowledge of additional information.

#### 3. Other Items.

- (a) The parties do not request a conference with the Court before entry of the scheduling order.
- (b) The parties request a pretrial conference on or around <u>October 1, 2020</u>.
- (c) Deadlines for Joining Additional Parties and Amending Pleadings: September 1, 2019.
- (d) All potentially dispositive motions should be filed on or before <u>July 1, 2020</u>.
- (e) Plaintiffs wish to resolve this litigation by settlement at the earliest possible date. Defendants do not object to an early resolution of this litigation. The parties are willing to discuss possible mediation of this litigation.
- (f) Final lists of trial evidence under Rule 26(a)(3), both witnesses and exhibits, should be due from the parties on or before <u>September 1, 2020.</u>
- (g) Parties should have 14 days after services of final lists of trial evidence to list objections under Rule 26(a)(3).
- (h) This case should be ready for trial by this Court's <u>November 2020</u> non-jury trial term. At this time, the trial is expected to take approximately 3 days.
- (i) The parties' agreement to the schedule proposed herein is contingent upon the timely receipt of documents and timely compliance with other aspects of the

Federal Rules of Civil Procedure and orders of this Court. The parties reserve the right to move the Court to amend this schedule if documents are not produced in conformance with the Rules, if other obstacles are created by non-compliance with the Federal Rules of Civil Procedure or orders of this court, or if other unforeseen circumstances arise.

Respectfully submitted this the <u>23<sup>rd</sup></u> day of <u>July,2019</u>.

/s/ Terrell E. McCants

Terrell E. McCants
One of the Attorneys for Plaintiff

## **OF COUNSEL:**

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/s/ Bart Harmon

Bart Harmon
One of the Attorneys for Defendants

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